

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MIJKIA CARL WHITTAKER, )  
Petitioner, )  
v. ) No. 4:16CV972 CAS  
UNITED STATES OF AMERICA, )  
Respondent. )

**MEMORANDUM AND ORDER**

Before the Court is Petitioner's Motion to Correct Sentence and his motion to stay this action pending his application to pursue permission from the Eighth Circuit Court of Appeals to file a successive habeas action in this Court.

Because permission to file a successive action was granted by the Eighth Circuit Court of Appeals on June 29, 2016, Whittaker v. United States, No. 15-3158 (8<sup>th</sup> Cir. June 29, 2016), this Court will deny as moot Petitioner's motion to stay the present action.

Review of Petitioner's Motion to Correct Sentence shows that he requests additional time to file an amended motion to vacate. Therefore, the Court will grant Petitioner forty-five (45) days to file his amended motion to vacate. After the filing of the amended motion, the Court will refer this matter to probation for the preparation of a resentencing report.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's motion to stay this action [Doc. #2] is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that Petitioner's amended motion to vacate is due to this Court **no later than forty-five (45) days** from the date of this Order.



---

CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

Dated this 18<sup>th</sup> day of July, 2016.